



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,758	03/22/2004	Domicnic Ricciardi	ATT-145PUS	1244
26652	7590	10/08/2008		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			10/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/805,758	Applicant(s) RICCIARDI ET AL.	
	Examiner LISA HASHEM	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 in the RCE filed on 7-29-2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,404,746 by Cave et al, hereinafter Cave, in view of U.S. Pat. Appl. Publ. No. 2003/0014488 by Dalal et al, hereinafter Dalal.

Regarding claim 1, Cave discloses a method of forming a multi-media communication path between at least a first communication device (Fig. 4a, 814; i.e. caller), a second communication device (Fig. 4a, 832; called party), and a third communication device (i.e. another party) (col. 7, lines 5-20; col. 15, line 62 – col. 16, line 1; col. 21, lines 22-26) all of which are coupled to a multi-media provider system (Figs. 4a-4c; Fig. 5), the method comprising:

receiving a first call request at a circuit-based portion of a multi-media provider system (col. 14, lines 4-6);

processing the call request at the circuit-based portion of the multi-media provider system (i.e. the PSTN routing the 800 service access number call to an originating PSTN/packet

Art Unit: 2614

gateway (Fig. 4a, 810)) for forming a first communication link between the first and second communication devices (Fig. 4a, 810; col. 14, lines 6-18); sending predetermined attributes (i.e. user input indication messages) of the first communication link to an IP-based portion of the multi-media provider system for configuring the IP-based portion of the multi-media provider system to provide at least one of a plurality of predetermined multi-media services (i.e. conferencing) (col. 15, line 43 – col. 16, line 1; col. 16, lines 31-35; col. 20, line 57 – col. 21, line 16); and monitoring the first communication link for a predetermined request for at least one of the plurality of multi-media services (col. 15, line 43 – col. 16, line 1; col. 16, lines 31-35; col. 20, line 57 – col. 21, line 16).

Cave discloses forming a first communication link between the first and second communication devices over an IP network. However, Cave does not disclose forming a first communication link in the circuit based portion of the multi-media provider system.

Dalal discloses a method of forming a multi-media communication path between at least a first communication device (see Fig. 4 in publication which should correctly be noted as Fig. 3 as noted in the publication; section 0084), a second communication device (Fig. 1, client), and a third communication device (Fig. 1, client) all of which are coupled to a multi-media provider system (Fig. 1, Conference Service Provider (CSP)), the method comprising: receiving a call request at a circuit-based portion (i.e. PSTN; VoIP PSTN gateway; PSTN proxy) of a multi-media provider system (Fig. 1, Fig. 3) (section 0047-0048; 0083-0084); processing the call request at the circuit-based portion of the multi-media provider system for forming a first communication link between the first and second communication

Art Unit: 2614

devices in the circuit based portion of the multi-media provider system (section 0084; 0088-0090);

monitoring the first communication link for a predetermined request for at least one of the plurality of multi-media services (section 0063; 0085-0088).

Again, Cave discloses the claimed method except Cave discloses forming a first communication link between the first and second communication devices over an IP network. However, the claimed feature of forming a first communication link in the circuit based portion of the multi-media provider system was old and well known in the art. Dalal clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Cave to include forming a first communication link in the circuit based portion of the multi-media provider system as taught by Dalal. One of ordinary skill in the art would have been lead to make such a modification of Cave to form a first communication link between the first and second communication devices, such as the first communication link of Dalal, to the multi-media provider system of Cave so the established telephone call between the first and second communication device of Cave is initiated using a PSTN telephone number and minimal costs are involved in maintaining the call in the PSTN.

Regarding claim 2, the method of claim 1, wherein Cave discloses after sending predetermined attributes of the first communication link to the IP-based portion of the multi-media provider system, the method further includes forming a first Real-Time Transport Protocol stream between the

first communication device and an application server located on the IP-based portion of the multi-media provider system (col. 14, lines 4-57).

Regarding claim 3, the method of claim 2, Cave discloses including forming a second Real-Time Transport Protocol stream between the second communication device and the application server located on the IP-based portion of the multi-media provider system (col. 14, line 58 - col. 15, line 20).

Regarding claim 4, the method of claim 1, wherein Cave discloses monitoring the first communication link for the predetermined request includes monitoring the first communication link for a post-answer call redirect request as directed by an application Server (col. 15, lines 37-61; col. 17, lines 42-46).

Regarding claim 5, the method of claim 4, wherein Cave discloses configuring the IP-based portion of the multi-media provider system to provide at least one of the plurality of predetermined multi-media services includes: configuring the IP-based portion of the multi-media provider system to provide post-answer call redirecting services (col. 15, line 37-col. 16, line 1; col. 20, line 57 - col. 21, line 35).

Regarding claim 6, the method of claim 5, wherein Cave discloses after detecting the post-answer call redirect request, the method further includes forming a third Real-Time Transport Protocol stream between the third communication device and the application server located on the IP-based portion of the multi-media provider system (col. 15, line 37-col. 16, line 1; col. 19, lines 7-33; col. 21, lines 17-35).

Regarding claim 7, the method of claim 6, wherein Cave discloses including moving the first, second and third Real-Time Transport Protocol streams to a media server located on the IP-

Art Unit: 2614

based portion of the multi-media provider system for enabling the media server to operate as a mediator for the first, second and third Real-Time Transport Protocol streams (col. 15, line 37- col. 16, line 1; col. 21, lines 17-35).

Regarding claim 8, the method of claim 7, wherein Cave discloses including the application Server instructing the media server to mix the first, second and third Real-Time Transport Protocol streams for providing the multi-media communication path between at least the first communication device, the second communication device and the third communication device (col. 15, line 62 – col. 16, line 1; col. 21, lines 17-35).

Regarding claim 9, the method of claim 8, wherein Cave discloses after controlling the media server to mix the first, second and third Real-Time Transport Protocol streams, the method further includes disabling the monitoring of the first communication link for the post-answer call redirect request (col. 15, lines 21-61; col. 21, lines 17-35).

Regarding claim 10, the method of claim 9, wherein Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of conferencing instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 17, line 22 - col. 18, line 19; col. 20, line 57 - col. 21, line 16).

Regarding claim 11, the method of claim 9, wherein Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of transfer instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 20, line 57 - col. 21, line 16).

Regarding claim 12, the method of claim 9, wherein Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of

Art Unit: 2614

courtesy transfer instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 20, line 57 - col. 21, line 16).

Regarding claim 13, the method of claim 9, Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of consult and transfer instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 20, line 57 - col. 21, line 16).

Regarding claim 14, the method of claim 9, Cave discloses including controlling the media server to monitor the multi-media communication path for at least one of a plurality of conference and transfer instructions (col. 14, line 49 – col. 15, line 7; col. 15, lines 12-20; col. 17, line 22 - col. 18, line 19; col. 20, line 57 - col. 21, line 16).

Allowable Subject Matter

4. Claim 15 is allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: upon close review of Applicant's remarks and the prior art, claim 15 is allowed.

The prior art does not teach '...a. receiving at a Border Element (BE) attributes associated with a telephone call established in a circuit switched network from a calling party; b. transmitting a message from the Border Element to a Call Control Element (CCE) to a Service Broker (SB) to an Application Server (AS) to a Media Server (MS), wherein a first query message is received by the AS without having been routed through a circuit-based portion of the existing telecommunications network and including a circuit switch, a circuit service control point (SCP), and a circuit adjunct; c. receiving at a Border Element instructions for PACR from the AS; do providing PACR, via a combination of the AS, MS, BE, and CCE without accessing

Art Unit: 2614

the circuit switch, circuit SCP, or circuit adjunct; and e. after receiving PACR, routing a re-directed telephone call without accessing the circuit switch, the circuit SCP and the circuit adjunct...’.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892 Form.

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Art Unit: 2614

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/
Examiner, Art Unit 2614
September 30, 2008